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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/300,042	04/27/1999	GREGORY B. THAGARD	3054/8	4009

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EXAMINER	
CHOW, DOON Y	
ART UNIT	PAPER NUMBER
2675	24

DATE MAILED: 06/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/300,042	THAGARD ET AL.	
	Examiner	Art Unit	
	Dennis-Doon Chow	2675	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 June 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,31-34,36-39 and 51-64* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 31-34, 36-39 and 51-64* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fitch (5912653) in view of Shanks et al (5747928).

Fitch discloses an apparel for a wearer comprising: jacket; a flexible electronic display (abstract) associated with the jacket, wherein the display being an LED display (Fig. 7); a memory; a control member; selection member; and an input means.

Fitch does not explicitly disclose the LED display being a light emitting polymer. However, it is well known in the art that the light emitting polymer is one type of the LED display, which generates high intensity light. This known light emitting polymer is taught by Shanks. Since Fitch does not teach using any specific LED display, it would have been obvious to one of ordinary skill in the art to use the known light emitting polymer as the LED display in the invention of Fitch so high intensity light can be generated.

3. Claims 31-34, 36-49, and 51-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitch (5912653) in view of Levin (4601120) and Shanks et al. (5747928).

Fitch discloses an apparel for a wearer comprising: jacket; a flexible electronic display (abstract) associated with the jacket, wherein the display being an LED display (Fig. 7); a memory; a control member; selection member; and an input means.

Fitch does not explicitly disclose how the LED display is constructed in the jacket.

Levin, in the same display field, discloses integrating a LED display in a fabric panel (Fig. 1). The display panel can be attached to a garment which obviously includes as a shirt, a vest, a hat or a belt.

It would have been obvious to one of ordinary skill in the art to use Levin's concept in Fitch's invention. By doing so, Fitch's LED display can be removed from or reattached to the jacket easily.

Fitch does not explicitly disclose the LED display being a light emitting polymer. However, it is well known in the art that the light emitting polymer is one type of the LED display, which generate high intensity light. This known light emitting polymer is taught by Shanks. Since Fitch does not teach using any specific LED display, it would have been obvious to one of ordinary skill in the art to use the known light emitting polymer as the LED display in the invention of Fitch so that high intensity light can be generated.

4. Claims 31, 33-34, 49, 56, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levin in view of Shanks et al.

Levin discloses an apparel for a wearer comprising: a flexible LED display, and a fabric panel.

Levin does not explicitly disclose the LED display being a light emitting polymer. However, it is well known in the art that the light emitting polymer is one type of the LED display, which generate high intensity light. This known light emitting polymer is taught by Shanks. Since Levin does not teach using any specific LED display, it would have been obvious to one of ordinary skill in the art to use the known light emitting polymer as the LED display in the invention of Levin so that high intensity light can be generated.

5. Claims 62-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brucker et al in view of Fitch and Shanks et al.

Brucker discloses apparatus for playing a war game comprising: a garment; an electronic display (indicator) form on the garment; a controller; a gun; and a sensor.

Brucker does not explicitly disclose the display being able to display images.

Fitch discloses a wearable and flexible display device being able to display a plurality of images.

It would have been obvious to one of ordinary skill in the art to Fitch's concept in Brucker's invention. This would have been obvious because it allows the apparatus to display a detail image.

Fitch does not explicitly disclose the LED display being a light emitting polymer. However, it is well known in the art that the light emitting polymer is one type of the LED display, which generate high intensity light. This known light emitting polymer is taught by Shanks. Since Fitch does not teach using any specific LED display, it would have been obvious to one of ordinary skill in the art to use the known light emitting polymer

as the LED display in the combined invention of Fitch and Brucker so that high intensity light can be generated.

6. Claims 62-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerber (5788500) in view of Shanks.

Gerber discloses apparatus for playing a war game comprising: a garment; an electronic display for displaying an image; a controller; a gun; and a sensor.

Gerber does not explicitly disclose the LED display being a light emitting polymer. However, it is well known in the art that the light emitting polymer is one type of the LED display, which generate high intensity light. This known light emitting polymer is taught by Shanks. Since Gerber does not teach using any specific LED display, it would have been obvious to one of ordinary skill in the art to use the known light emitting polymer as the LED display in the invention of Gerber so that high intensity light can be generated.

Response to Arguments

7. Applicant's arguments filed July 8, 2002 have been fully considered but they are not persuasive.

Applicant argues that Fitch utilizes an LCD screen which is clearly a stiff material. The examiner disagrees because Fitch not only disclose a flexible LCD screen, he also discloses the screen is an LED screen (see Fig. 7)

As to applicant's argument with regarding to combine references, it is not necessary that the references actually suggest, expressly or n so many words, the

changes or improvements that applicant has mad. The test for combining references is what the references as a whole would have suggested to one of ordinary skill in the art.

Applicant cannot show non-obviousness by attacking references individually where as here the rejections are based on combination of references. In Keller, 208 USPQ 871 (CCPA 1981).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis-Doon Chow whose telephone number is 703-305-4398. The examiner can normally be reached on 8:30-6:00, Alternate Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras can be reached on 703-305-9720. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

D. Chow
June 21, 2003

DENNIS-DOON CHOW
PRIMARY EXAMINER